IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2633 OF 2004

IN

SUIT NO.2165 OF 2004

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Bennett, Coleman & Co.Ltd. ...Plaintiffs

v/s.

Bite Advertising Pvt.Ltd.

and ors. ...Defendants

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Mr.Virag Tulzapurkar i/b Kanga & Co. for the Plaintiffs.

Mr.S.P.Halwasia i/b Halwasia & Co. for Defendants Nos. 1 & 2.

Mr.Vatsal Verma for Defendants Nos. 5 & 7.

Ms.Suchi Halwasia for Defendant No.12.

Mr.D.D.Madon i/b J.Sagar & Associates for Defendant No.11.

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CORAM: D.K.DESHMUKH, J.

DATED: 14TH JULY,2005

P.C.:

1. The learned Counsel appearing for Defendants Nos. 1 & 2 states that the Defendants Nos. 1 & 2 shall not print advertisement on the type of paper which is used by the Plaintiff for the newspaper, news print and Glossy. He further states that the Defendants Nos. 1 & 2 shall print their advertisement on the type of paper on which the advertisement of "Mahindra Gesco" is published. The advertisement "Mahindra Gesco" is taken on record and marked "X" for identification. He further states that the Defendants Nos. 1 & 2 will instruct the persons working for them, who distribute the advertisement door to door, that they shall not insert the advertisement in the newspapers or other publications of the Plaintiff.

Statement is accepted.

2. The learned Counsel for the Defendants Nos. 1 & 2 further states that the Defendants Nos. 1 & 2 were also not, in the past, publishing their advertisements on a paper and in a manner to resemble the newspaper "Times of India" of the Plaintiff and that the Defendants Nos. 1 & 2 had in the past also instructed their employees not to insert the advertisements in the newspapers of the Plaintiff.

3. The statement is disputed on behalf of the Plaintiff. For the purpose of disposing of this Notice of Motion, it is not necessary for me to decide this dispute. However, in view of the statement referred to above, made by the Defendants Nos. 1 & 2 which has been accepted, it is not necessary to make any interim order in this Notice of Motion. Notice of Motion disposed of.

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